

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In Re: ) No. 06 C 4674  
JP MORGAN CHASE & COMPANY ) Chicago, Illinois  
SECURITIES LITIGATION ) August 19, 2009  
9:00 a.m.

TRANSCRIPT OF PROCEEDINGS - MOTION  
BEFORE THE HONORABLE DAVID H. COAR

APPEARANCES:

For the Plaintiff Blau: WOLF HALDENSTEIN ADLER  
FREEMAN & HERZ LLC  
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BY: MR. ADAM J. LEVITT

WOLF HALDENSTEIN ADLER  
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BY: MR. JEFFREY G. SMITH  
MS. DEMET BASAR

For the Hyland Plaintiffs: MR. JOSEPH N. GIELATA  
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For the Defendants: SIDLEY & AUSTIN  
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BY: MS. SHARON L. NELLES

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1 APPEARANCES CONTINUED:

2 For the Intervenor:

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BY: MR. THOMAS C. CRONIN

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1           THE CLERK: 06 C 4674: In Re: JP Morgan Chase & Co.  
2 Securities Litigation. There are several matters before the  
3 Court.

4           MR. LEVITT: Good morning, Your Honor. Adam Levitt on  
5 plaintiff's behalf.

6           MR. SMITH: Your Honor, Jeffrey Smith on plaintiff  
7 Blau's behalf.

8           MS. BASAR: Good morning, Your Honor. Demet Basar  
9 also for Dr -- plaintiff Dr. Steven Blau.

10          MR. GIELATA: And good morning, Your Honor. Joseph  
11 Gielata on behalf of the Hyland plaintiffs.

12          MS. ROACH: Good morning, Your Honor. Kathleen Roach  
13 on behalf of defendants.

14          MS. NELLES: Good morning, Your Honor. Sharon Nelles  
15 from Sullivan & Cromwell on behalf of defendant.

16          MR. CUMMINS: Bob Cummins for Sherlock, Judge.

17          MR. CRONIN: Tom Cronin for Judge Sherlock, Judge.

18          THE COURT: I read the response from the intervenors.  
19 Apparently there's no objection to the settlement generally.  
20 There are objections to some of the language. And how do you  
21 propose we resolve that?

22          MR. SMITH: Your Honor, on behalf of plaintiff Blau,  
23 we think that the order we had proposed for approval of the  
24 settlement is appropriate, Your Honor. It was not my  
25 understanding that the changes Your Honor suggested and the

1 criticism Your Honor made of our initial submission was sparked  
2 by the objectors. And, therefore, I think the challenged  
3 paragraph that overrules their objection is appropriate.

4 I certainly don't pretend to know exactly what's in  
5 Your Honor's mind, but that was my impression, Your Honor. I  
6 do want to apologize, Your Honor. I was going over the  
7 transcript of our last hearings. I realized that I had made a  
8 180-degree misstatement to you when I said that the settlement  
9 did not provide that you retain jurisdiction to enforce its  
10 term. It does. It clearly did then. That's not a new piece  
11 of the settlement. It's in paragraph 13 of the stipulation of  
12 settlement, Your Honor. And when you asked that question back  
13 in whatever month that was, I just didn't have it in mind, and  
14 I, I misspoke. So I apologize for that.

15 THE COURT: Well, let me invite you to take a look at  
16 the rather peculiar position that the Seventh Circuit takes  
17 with respect the retention of jurisdiction. It is at odds with  
18 the position of every circuit that I'm aware of, and it makes  
19 it very difficult for Courts to enter a final order and retain  
20 jurisdiction. It would not be my intention to keep this case  
21 in stasis forever, but I'm going to -- I think the best way to  
22 do this is that I'm going to set this over for a couple of  
23 weeks. And to give everybody a chance to take a look at the  
24 Seventh Circuit cases so that we get this issue of retaining  
25 jurisdiction resolved.

1 I'll set it over to -- let's make it September 9 at  
2 9:00 o'clock. In the meantime, I'll take a look at the -- take  
3 another look at the objections to the language and I'll be  
4 prepared to rule on the attorney's fees.

5 MR. SMITH: Does Your Honor have any questions about  
6 any other aspects of the motions that are pending?

7 THE COURT: I do not.

8 MR. SMITH: Thank you, Your Honor.

9 MR. LEVITT: Thank you, Your Honor.

10 THE COURT: Thank you very much.

11 MR. CRONIN: Thanks for your time.

12 MS. ROACH: Thank you, Your Honor.

13 MS. NELLES: Thank you, Your Honor.

14 MR. CUMMINS: Have a good day.

15 THE COURT: You too.

16 CERTIFICATE

17 I HEREBY CERTIFY that the foregoing is a true, correct  
18 and complete transcript of the proceedings had at the hearing  
19 of the aforementioned cause on the day and date hereof.

20

21 /s/TRACEY D. McCULLOUGH August 21, 2009

22 Official Court Reporter Date  
23 United States District Court  
24 Northern District of Illinois  
25 Eastern Division